

CENTRAL ADMINISTRATIVE TRIBUNAL  
KOLKATA BENCH, KOLKATA

LIBRARY

No. O.A. 350/00381/2021

Date of order: 16.4.2021

Present : Hon'ble Dr. Nandita Chatterjee, Administrative Member

Asit Roy,  
 s/o Late Tarapada Roy,  
 presently working as Assistant Loco Pilot  
 in the Sealdah Division under  
 Control of Chief Crew Controller at Sealdah,  
 Residing at 14A, Gouri Shankar Ghosal Lane,  
 Kolkata - 700011.

..... Applicant.

## Versus

1. Union of India,  
 through the General Manager,  
 Eastern Railway, Fairly Place,  
 Kolkata - 700001.
2. Principal Chief Operation,  
 Eastern Railway, Fairly Place,  
 Kolkata - 700001.
3. Divisional Railway Manager/  
 Additional Divisional Railway Manager(O),  
 Eastern Railway, Sealdah Division,  
 DRM Building,  
 Kolkata : 700014.
4. Senior Divisional Personnel Officer/  
 Divisional Personnel Officer,  
 Eastern Railway,  
 Kolkata - 700014.
5. Sr. Divisional Electrical (OP),  
 Eastern Railway, Sealdah,  
 Kolkata - 700014.

..... Respondents.

For the Applicant : Mr. N. Roy, Counsel

For the Respondents : Mr. S. Bhattacharyya, Counsel

*Asit Roy*

ORDER (Oral)

Dr. Nandita Chatterjee, Administrative Member:

The applicant has approached this Tribunal in second stage litigation under Section 19 of the Administrative Tribunals Act, 1985 praying for the following relief:-

"(a) To issue direction upon the respondent to consider the representation dated 11.12.2019 for fixation seniority and promotional for the post of Loco Pilot (Passenger) may be considered forthwith.

(b) To issue further direction upon the respondent authorities the applicant allow Loco Pilot (Passenger) along with scale of pay and GP 4200/- forthwith.

(c) To issue further direction upon the respondent authorities to quash cancel set-aside the impugned order dated 03.07.2019, 12.07.2019 and 23.07.2019 forthwith.

(d) Any other order or further order or orders has learned Tribunal deem fit and proper.

(e) To produce Connected Departmental Record at the time of Hearing."

2. Ld. Counsel for the applicant would submit that the applicant was appointed by the respondent authorities as Assistant Driver, Electrical on 14.7.1988 and was subsequently promoted to the post of Loco Pilot (Passenger) in 2003. A disciplinary proceeding was drawn up against him on alleged over-shooting of the DN Home Signal at the Jaynagar Majilpur Station on 13.12.2012 at 5:39 hrs. culminating in the penalty of removal from service.

Although the applicant preferred an appeal, and, thereafter, a revisional application, the revisional authority having mechanically upheld the punishment, the applicant approached this Tribunal in O.A. No. 350/00033/2015, and, in compliance to directions therein, a modified penalty order was issued by the revising authority as follows:-

"Therefore, purely on humanitarian ground, it is ordered that Shri Asit Roy, would be imposed the penalty of reduction to the post of LPS Gr. - II on basic pay Rs. 20,200 in PB-1 on Grade Pay Rs. 2400 (6<sup>th</sup> CPC) for a period of 2 (Two) years. On

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promotion after the expiry of the period of penalty, the said period of reduction shall operate to postpone the future increments of the pay of the CO and his seniority will be fixed at the bottom of the panel vide which he had been promoted to the grade from which he was reduced."

Consequent to the same, an order was issued on 12.7.2019 at Annexure A-15 to the O.A. whereby he was reduced to the post of LPS-II E on Basic Pay Rs. 20200/- in G.P. Rs. 2400/- (6<sup>th</sup> CPC) for a period of two years, to operate to postpone the future increment of pay and his seniority and promotion would be fixed at the bottom of the panel from which he was reduced.

Consequent refixation orders followed on 23.7.2019 (Annexure A-15 to the O.A.), and upon expiry of the period of penalty, the applicant represented on 11.12.2019 praying for appropriate orders for restoration of his pay as well as appropriate seniority upon expiry of the period of punishment (Annexure A-16 to the O.A.).

3. Ld. Counsel for the applicant would, therefore, submit that a direction be issued on the concerned respondent authority to dispose of the same in a time bound manner.

4. Ld. Counsel for the respondents would not object to such disposal in accordance with law.

As no fruitful purpose would be served in calling for a reply till disposal of the pending representation, without entering into the merits of the matter, and, with the consent of the parties, the addressee respondent authority or any other competent respondent authority, is hence directed to decide on the prayer of the applicant at Annexure A-16 to the O.A., if received at his end, within a period of 16 weeks from the date of receipt of a copy of this order.



The authority shall decide in accordance with law and thereafter convey such decision in the form of a reasoned and speaking order to the applicant.

In the event, the applicant's claim are found to be justified, admissible benefits should be released to the applicant within a further period of 10 weeks thereafter.

5. With these directions, the O.A. is disposed of. No costs.



*(Dr. Nandita Chatterjee)*  
Administrative Member

SP